

REMARKS

Claims 1-14 and 24 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ibbitson (U.S. Patent Number 6,585,207). Claims 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yang (U.S. Patent Number 6,155,018).

Claims 23 and 25 were allowed. Claims 6-14 are allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Rejections under 35 U.S.C. § 112, ¶ 2:

Claims 1-14 and 24 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 1 has been amended to include a top frame and a bottom frame, which both define an aperture for receiving a construction mast. Also, claims 1 and 2 have been amended to better define the adjustability feature of the top adjustable mount assembly in claim 1 and the bottom adjustable mount assembly in claim 2. The *top* adjustable mount assembly and the *bottom* adjustable mount assembly include a plurality of mast engaging elements positioned at spaced locations on the *top* or *bottom* frame and are adjustable to extend radially inward for securing a construction mast. This adjustability feature makes the support apparatus capable of supporting construction masts of various diameters. As amended, claims 1 and 2 do not claim the construction mast. With these amendments, claims 1 and 2 are not vague and indefinite under 35 U.S.C. § 112, second paragraph.

Claims 3-14 are dependent on claim 1. Since amended claim 1 is now allowable under 35 U.S.C. § 112, second paragraph, then dependent claims 3-14 are also allowable. Moreover, claims 3-6, 9 and 13 have been amended to better define the features of the disclosed invention.

Claim 24 has been amended and no longer lacks proper antecedent basis. Thus, claim 24 is now allowable.

Rejections under 35 U.S.C. § 102(e):

Claims 1-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ibbitson (U.S. Patent Number 6,585,207). However, Figure 1 on page 4 of the Office Action is from Davis (U.S. Patent Number 5,661,946), which was included in the Notice of References Cited. It is assumed that the Examiner meant that claims 1-5 were anticipated by Davis, not Ibbitson.

Claim 1 has been amended such that the top adjustable mount assembly includes a plurality of mast engaging elements positioned at spaced locations on the top frame and adjustable to extend radially inward for securing the construction mast. For a claim to be anticipated, each and every element as set forth in the claim must be found in a single prior art reference. (See M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).) Davis does not disclose a top adjustable mount assembly with mast engaging elements that are adjustable to extend radially inward for securing a construction mast. The disclosed structure in Davis, formed by sidewall pairs 41 and 43 (see Figure 1) is not adjustable and is not capable of extending radially inward as required by claim 1. Thus, amended claim 1 is not anticipated by Davis.

Claims 2-5 are dependent on claim 1 and contain all the limitations of claim 1. Since claim 1 is not anticipated by Davis, it is not possible for claims 2-5 to be anticipated by Davis.

Rejections under 35 U.S.C. § 102(b):

Claims 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yang. Amended claim 26 requires a top adjustable support assembly and a bottom adjustable support assembly for supportably receiving and holding in place any one of a plurality of masts having different cross-sectional diameters. Yang does not teach that the disclosed structure consisting of the outer fitting tube(2), inner fitting tube(1) and clamp rings(3,4) is capable of supportably receiving and holding in place masts *or staffs*(6) that have different cross-sectional diameters. Thus, amended claim 26 is not anticipated by Yang.

Claims 27 and 28 are dependent on claim 26 and contain all of the limitations of claim 26. Since claim 26 is not anticipated by Yang, it is not possible for claims 27 and 28 to be anticipated by Yang.

Allowable claims:

Claims 23 and 25 were allowed in the Office Action. Claim 23 is amended to correct an inadvertent reference to the wrong element. Thus, claim 23 should still be allowed.

The Office Action stated that claims 6-14 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. Based on that indication of allowable subject matter, new claims 29-37 are presented and are allowable over the prior art.

CONCLUSION

With the above amendments and remarks, the application is now in condition for allowance. Notice to that effect is respectfully requested. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

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By: 

David R. Fairbairn, Reg. No. 26,047

THE KINNEY & LANGE BUILDING

312 South Third Street

Minneapolis, MN 55415-1002

Telephone: (612) 339-1863

Fax: (612) 339-6580

DRF: ANS/ks